

REMARKS

Claims 1 and 6 have been amended. Claims 10-20 have been canceled. Accordingly, claims 1-9 are currently pending in the application.

Applicants wish to point out once again that the present invention is directed to a method of transmitting a specific type of packet (priority packet) and other packets (non-priority packets). In particular, the present invention is directed to a method where a type of packet other than a priority packet is transmitted as a priority packet when there is sufficient bandwidth.

There are a plurality of transmitted packets in the bandwidth monitoring method according to the present invention. The amendments to the claims are being made to clarify the present invention and are not being made to change the scope of the claims. The claims have been amended to clarify that in the step of judging whether a packet corresponds to the specific type of packet, the judging is performed to an inputted packet.

On the other hand, it is submitted that the disclosure of Teraslinna is completely different from the presently claimed

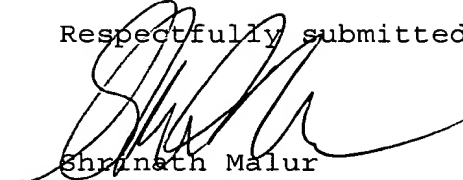
invention. Teraslinna does not consider or solve the problem of unused contract bandwidth. In addition, Teraslinna certainly does not disclose how to use an unused portion of the contract bandwidth when priority type packets do not violate the contract bandwidth. Furthermore, Teraslinna does not discuss any method of transmitting non-priority packets. Since Teraslinna does not disclose the transmitting of an inputted packet as a specific type of packet even if it is not the specific type of packet as long the contract bandwidth is not violated, Teraslinna does not realize the advantage of the present invention in which a network operator can make effective use of the contract bandwidth. As such, it is submitted that the pending claims patentably define the present invention over Teraslinna.

Applicants request that the Examiner acknowledge the claim for priority in the above-identified application. The certified priority document was filed with the initial application on June 2, 2000. A copy of the date-stamped mailroom receipt and cover page are enclosed as evidence that the document was received by the Patent Office.

In view of the foregoing amendments and remarks, Applicants submit that the above-identified application is now

in condition for allowance. Reconsideration is hereby requested.

Respectfully submitted,



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In re Patent Application of

T. YAZAKI et al

Serial No.

Filed: June 2, 2000

For: BANDWIDTH MONITORING METHOD AND
ITS DEVICE

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JUN 2 9 2004

Technology Center 2100

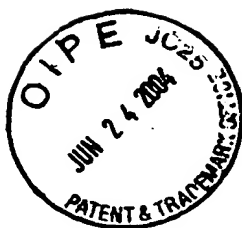
Papers Filed Herewith:

1. Title Page; Description (38 pp.), 13 Claims,
Abstract;
2. Declaration and Power of Attorney;
3. Check #0091 for \$768.00 (Filing Fee);
4. 13 sheets drawings (Figs. 1-15);
5. Information Disclosure Statement,
PTO-1449 form, in duplicate; and
Copies of documents cited;
6. Certified copy of JP 11-154657;
7. List of Inventors' Names and Addresses;
8. Transmittal; and
9. Serial No. postcard.



Receipt is hereby acknowledged of the papers filed, as identified in connection with the above-identified patent application.

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PATENT OFFICE
JAPANESE GOVERNMENT

別紙添付の書類に記載されている事項は下記の出願書類に記載されて
る事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed
in this Office.

出 願 年 月 日
Date of Application:

1 9 9 9 年 6 月 2 日

出 願 番 号
Application Number:

平成 1 1 年 特 許 願 第 1 5 4 6 5 7 号

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出 願 人
Applicant(s):

株式会社日立製作所

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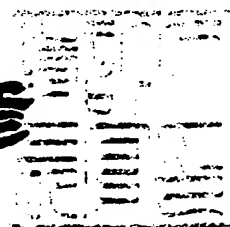
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U.S. Appln. Filed 6-2-00
Inventor: T. Yazaki et al
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NIT-200

2 0 0 0 年 5 月 1 2 日

特 許 庁 長 官
Commissioner,
Patent Office

近 藤 隆 彦



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